



Promoting the wise use of land

**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**PLANNING COMMISSION**

MEETING DATE December 8, 2016	CONTACT/PHONE Cindy Chambers, Project Manager (805) 781-5608	APPLICANT Sheridan Properties (Alex Paul)	FILE NO. DRC2005-00073
LOCAL EFFECTIVE DATE December 19, 2016			
APPROX FINAL EFFECTIVE DATE January 23, 2017			
<b>SUBJECT</b> Request by Alex Paul for a third time extension to Development Plan / Coastal Development Permit (DRC2005-00073), which allows for the construction of a five (5) phase Industrial Park consisting of twenty one (21) units on seven (7) underlying legal parcels. Total proposed first floor square footage is 105,718 square feet, with approximately 43,000 square feet of second story floor area possible within the overall development, for a total maximum of 149,000 square feet of floor area. Additionally, each phase will include the construction of all associated infrastructure (e.g. streets, parking, landscaping, and drainage facilities) necessary to serve that phase of development. The applicant is requesting one (1) caretakers unit to be constructed on each lot for a total of seven (7) caretaker units (1,185 square feet each). The project will result in the phased disturbance of approximately 13.5 acres (including approximately 38,000 cubic yards of cut and 50,000 cubic yards of fill) on a 13.75 acre parcel. The proposed project is within the Industrial land use category and is located at 804 Sheridan Road, in the village of Callender-Garrett, in the South County (Coastal) planning area.			
<b>RECOMMENDED ACTION</b> Conditionally approve the third time extension to be valid until December 8, 2017 for Development Plan / Coastal Development Permit DRC2005-00073 based on the findings in "Exhibit A" that carry over the original findings and conditions outlined in the attached Board of Supervisors staff report.			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator finds that the previously adopted Mitigated Negative Declaration is adequate for the purposes of compliance with CEQA because no substantial changes are proposed in the project which will require major revision of the previous Mitigated Negative Declaration, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previous Mitigated Negative Declaration, and no new information of substantial importance has been identified which was not known at the time that the previous Mitigated Negative Declaration was adopted.			
LAND USE CATEGORY Industrial	COMBINING DESIGNATION Local Coastal Program, Coastal Appealable Zone	ASSESSOR PARCEL NUMBER 090-351-069, 091-361-002, - 003, -005, -012	SUPERVISOR DISTRICT(S) 4
<b>PLANNING AREA STANDARDS:</b> South Sheridan Road, Allowable Uses and Permit Requirements <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Setbacks, Height, Parking, Landscaping / Screening / Fencing, Storage Yards, Vehicle Storage, Local Coastal Program Area, Coastal Appealable Zone <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
TOPOGRAPHY: Nearly level to gently sloping		VEGETATION: Grasses and eucalyptus	

EXISTING USES:

Industrial uses and an existing single family residence

SURROUNDING LAND USE CATEGORIES AND USES:

*North:* Industrial / Industrial uses

*East:* Industrial / Industrial uses

*South:* Industrial / Industrial uses

*West:* Industrial / Industrial uses and single family residences

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was originally referred to: Public Works, Environmental Health, Cal Fire, APCD, Department of Fish and Game, Cal Trans, and California Coastal Commission

TOPOGRAPHY:

Nearly level to gently sloping

VEGETATION:

Grasses and eucalyptus

PROPOSED SERVICES:

Water supply: Community system

Sewage Disposal: Individual septic system

Fire Protection: Cal Fire

ACCEPTANCE DATE:

March 18, 2008

ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:  
COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242

## DISCUSSION

Development Plan / Coastal Development Permit DRC2005-00073 (Sheridan Properties) was discussed by the Planning Commission on September 8 and September 29, 2011 and approved at a third hearing on November 3, 2011. The Planning Commission's decision was subsequently appealed to the Board of Supervisors. On September 25, 2012, the Board of Supervisors denied the appeal and upheld the Planning Commission's approval, making minor revisions to the following Conditions of Approval: #1 (technical corrections), #26 (water meters & supplemental water fee), #43 (protection of sensitive habitat) and #46 (habitat monitoring), and adding Conditions #63-67 (ordinance-based technical clarifications).

The project's phasing under Condition of Approval #1 extends each phase expiration date either two or three years beyond that of the preceding vested phase. The development permit was initially valid for a period of two years after its final effective date i.e. until September 25, 2014. The applicant requested first and second one-year time extensions in 2014 and 2015, both of which were authorized by the Planning Director and which extended the life of the permit to September 25, 2016.

The applicant submitted a request for a third time extension on August 29, 2016. According to CZLUO Section 23.02.050, Planning Commission approval is required for this third, and final, one-year time extension of a Development Plan.

With approval of this third one-year extension, the applicant would have until December 8, 2017 to complete "substantial site work", as defined under CZLUO Section 23.02.0420 on Phase 1 to vest that project phase. Each subsequent phase would remain valid for an additional two years beyond the date the previous phase vested. See Table 1, Summary of Project Phasing, for projected phase expiration based on Condition of Approval # 1.

**Table 1: Summary of Project Phasing**

<b>Project Phase</b>	<b># of Industrial Units</b>	<b>Unit Numbers</b>	<b>Combined 1<sup>st</sup> Floor Area in SF</b>	<b>Units with 1,185 sf Caretaker Residence</b>	<b>Phase Expiration With 3<sup>rd</sup> Time Ext.</b>
1	2	1 & 2	9,168	1 @ Unit 1	12/08/2017
2	6	3-8	24,803		12/08/2020
3	4	9-12	19,384	2 @ Units 10 & 11	12/08/2022
4	5	17-21	32,498	2 @ Units 19 & 20	12/08/2025
5	4	13-16	19,865	2 @ Units 13 & 16	12/08/2027
<b>Totals</b>	<b>21</b>		<b>105,718</b>	<b>7 Caretaker Units</b>	

If substantial site work has not occurred on Phase I to vest the project by the end of the third time extension period, the use permit becomes void.

Section 23.02.050 specifies that the Planning Commission may grant a third one-year time extension if the following three finding can be made:

1. Substantial site work could not be completed as set forth in Coastal Zone Land Use Ordinance Section 23.02.042 because of circumstances beyond the control of the applicant.

*Staff Comments: The applicant could not complete substantial site work due to the economic downturn, during which anticipated financing was unavailable. These economic conditions were clearly out of the applicant's control. In order to vest the project, site work would have needed to progress beyond grading and beyond completion of structural foundation, to a point where construction has occurred above grade (i.e. structural walls).*

2. The original findings justifying the first two time extensions can still be made:

- a. There have been no changes to provisions of the Land Use Element and Land Use Ordinance applicable to the project since the approval of the land use permit.

*Staff Comments: The findings can be made for the third time extension relevant to those additional time extension findings set forth in Section 23.02.050 (B2, referencing A1-3) since the Land Use Element and the Land Use Ordinance have not changed.*

- b. There have been no changes in the character of the site or its surroundings that affect how the standards of the Land Use Element and Land Use Ordinance apply to the project.

*Staff Comments: No new or unanticipated land uses have been established within the vicinity of the subject property. The physical characteristics of the project site and its surroundings have not substantially changed since the project was first approved.*

- c. There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads or schools such that there is no longer sufficient remaining capacity to serve the project.

*Staff Comments: The applicant previously received a "will serve" letter from the Woodland Park Mutual Water Company for the project. Pursuant to Title 19, the applicant will be required to obtain a current "will serve" letter before receiving a construction permit. Also, the project was required to retrofit existing residences and businesses to offset water use. The Department now has a program to accomplish these offsets.*

3. The original findings used to justify the initial approval of this permit can still be made pursuant to Coastal Zone Land Use Ordinance Section 23.02.034c(4).

*Staff Comments: The original permit findings are still valid and can be made for the proposed project. These findings are outlined in the attached September 25, 2012 Board of Supervisors Resolution upholding the decision of the Planning Commission for Development Plan / Coastal Development Permit DRC2005-00073.*

This request for time extension meets the required findings for a third time extension, as well as the original findings required for Development Plan / Coastal Development Permit approval and the first two time extensions.

**ATTACHMENTS:**

1. Exhibit A – Findings for Third Time Extension
2. Exhibit B – Revised Conditions
3. Board of Supervisors Resolution modifying the decision of the Planning Commission with findings & revised conditions
4. Minutes from Board of Supervisors Hearing (Item # 6)
5. Staff Report to the Board of Supervisors
6. Written request for a third time extension